

## **REMARKS/ARGUMENTS**

Applicants respectfully request reconsideration and continued examination of this application in view of the above amendments and the following remarks.

### **1. Status of the Claims**

Claims 1-21 are pending in this application. Claims 1, 18 and 20 have been amended to recite that the air passageway extends beyond or below the elements of the cylindrical body.

Support for the amendment can be found in the specification as originally filed, for example on:

Page 8 lines 7-15; and

FIG. 3.

No new matter has been added.

### **2. Prior Art Rejections**

Claims 1-3, 5, 7, 8, 10-12, 14-16 and 18-21 have been rejected as being clearly anticipated by U.S. Patent No. 5,799,836, to Lee ("Lee").

Applicants have amended claims 1, 18 and 20 to clarify the claimed subject matter in that the air passageway extends below the first end 14 of the cylindrical body or beyond the length of the second cylindrical section.

### **3. Argument**

Thus the air passageway extends into the bottle at an area in which air is present, so that fluid can flow smoothly from the fluid opening because the air passage provides a relief for the negative pressure created inside the bottle from the liquid flowing out of therefrom.

Lee fails to disclose or show such a feature, and thus the claims, as amended distinguish over the cited art. Neither do the other cited and relied upon references disclose the claimed structure, in the context of a dual passage stopper, as disclosed and claimed herein.

Applicants submit Lee fails to teach or suggest such an arrangement, and the amendment to Claims 1, 18 and 20 has overcome the outstanding rejection.

Therefore, Applicants submit that amended Claims 1, 18 and 20, and all claims dependent thereon are patentable over Lee or any of the other cited references, whether taken independently or in combination, because Lee has been distinguished based on the structure of the air passage.

Lee additionally does not teach or suggest other elements recited in the dependent claims, which failure to disclose is not cured by the other cited references. For example, Claim 17 recites the cap being integrally attached to the first cylindrical body and Claim 9 recites the visual indicator being a color different from the color of the cylindrical body as. None of the cited references, alone or in combination, teaches or suggests a bottle stopper having a visual indicator spaced about 180 degrees relative to an air passageways to provide a visual indicator of the position of the air passageway when pouring from a bottle, whether it is or not a different color. Thus a *prima facie* case of obviousness is not set forth in the rejection of the dependent claims, and the rejection is respectfully considered to be Improper.

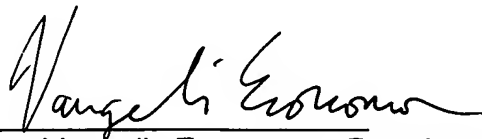
#### CONCLUSION

In view of the foregoing, all of the rejections have been overcome and that claims 1-21 are now allowable. An early indication of allowance is solicited.

Respectfully submitted,

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